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7 December 2005

IRN100758.E

Iran: The repatriation of failed refugee claimants to Iran, including reports of claimants being detained, mistreated and tortured upon removal from Canada on the basis they made refugee claims in Canada; whether the Iranian government would be able to recognize that a returnee had made a refugee claim in Canada; the process by which failed refugee claimants are removed by Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA) (2003 - 2005)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information about how failed refugee claimants are treated by authorities when they return to Iran was scarce among the sources consulted by the Research Directorate.

An official of the Country Information and Protection Support (CIPS) Section within the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) in Australia provided the following information in 7 November 2005 correspondence:

It is CIPS' opinion that returnees in Iran may face discrimination based on their particular political opinion, ethnic/religious group etc., rather than because they are a "Western returnee." Those returning may face interrogation and the confiscation of their passport for a period. Returnees whom the security services suspect of being involved in serious crimes or high level anti-regime political activity may be arrested.

In a May 2005 interview with the Australian Broadcasting Corporation (ABC), LaTrobe University professor David Corlett talked about his study of repatriated failed refugee claimants from Australia to countries such as Iran (10 May 2005). Specifically, Professor Corlett stated that Iranian returnees faced a "range of experiences," noting that while some had arrived without incident and were "reasonably safe," others had experienced mistreatment (ABC 10 May 2005). Regarding incidents of abuse, Professor Corlett pointed to an "extreme" occurrence of a man who was "detained immediately on arrival, and tortured for a considerable period of time" (ibid.).

For more information about Professor Corlett's study on the return of failed asylum seekers to Iran, please see the electronically attached excerpt of a speech he presented at a human rights forum in Australia in December 2004.

In April 2005, the *Globe and Mail* reported on two cases where Iranian

deportees from Canada were subjected to mistreatment when they returned to Iran, and in one case the returnee "died after receiving 100 lashes in prison" (2 Apr. 2005). In the other case, a female student activist was detained for 26 hours and "was struck in the face and head twice while in prison when she refused to sign a document denouncing Canada" (*Globe and Mail* 2 Apr. 2005).

According to *Country Reports 2004*,

[c]itizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation (28 Feb. 2005, Sec 2.d.).

With regard to the process by which failed refugee claimants are removed by Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA), in 16 November 2005 correspondence, a CBSA official provided the following information:

The CBSA removes foreign nationals on their valid passports or travel documents issued by their embassy officials. However, in cases where this is not possible, Enforcement Manual 10, Section 20.3 states that the CBSA may remove individuals using other identity documents, including a birth certificate or national identity card. At no point during the removal process are Iranian authorities or other receiving authorities advised that an individual has made a refugee claim in Canada. As a further safeguard to ensure the safety of an individual who is being removed from Canada, any person may submit an application for a Pre-Removal Risk Assessment to the Department of Citizenship and Immigration Canada prior to removal.

Moreover, in an April 2005 *Toronto Star* article, a CBSA official explained that decisions to deport individuals to Iran are addressed "on a case-by-case basis" (2 Apr. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Corlett, David. 9 December 2004. "Fearing Going Home." Don Chipp Foundation Human Rights Forum. New South Wales (NSW) Parliament House.
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Additional Sources Consulted

Attempts to contact a number of professors and human rights organizations specializing in this subject were unsuccessful within time constraints.

A professor specializing in human rights issues in Iran could not provide the information requested.

Officials from the Netherlands, United Kingdom, Finland, and Germany had no information on the situation of failed refugee claimants returned to Iran.

The Centre for Arab and Iranian Studies (CAIS) could not provide the information requested.

Internet sites, including: Amnesty International, Canadian Centre for Victims of Torture, Centre for Arab and Iranian Studies (CAIS), Citizenship and Immigration Canada (CIC), European Country of Origin Information Network (ECOI), Freedom House, Human Rights Watch, International Federation of Iranian Refugees (IFIR), Iranian Refugees Alliance, World News Connection (WNC).

Attachment

Corlett, David. 9 December 2004. "Fearing Going Home." Don Chipp Foundation Human Rights Forum. New South Wales (NSW) Parliament House.
<<http://www.donchippfoundation.org.au/dcf-hrf-fearing-going-home.htm>>
[Accessed 23 Nov. 2005]

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